



BILL NUMBER: House Bill 180

TITLE: Juveniles – Sexting

COMMITTEE: Judiciary

HEARING DATE: January 21, 2021

POSITION: Informational

The Maryland Human Trafficking Task Force (MDHTTF) and its members respectfully submits this Statement of Information on House Bill 180.

House Bill 180 establishes an affirmative defense of “sexting” and outlines that sexting is a mitigating factor to be considered in a juvenile court proceeding. Specifically, the affirmative defense is applicable if the child was coerced, threatened, or intimidated into committing the conduct. HB 180 also allows for participation in an age-appropriate educational program on the risks and consequences of sexting.

MDHTTF supports efforts to dismantle human trafficking by strengthening laws prosecuting traffickers, providing services and rehabilitation to victims, and increasing awareness of the issue. There are numerous and varied insidious ways that a trafficker can victimize a person, and traffickers adapt to and increasingly use new technological methods such as sexting to ensnare and entangle victims. While MDHTTF aims to keep trafficking victims out of the criminal justice system as a whole, we view affirmative defenses as useful and needed “off-ramp” tools for those who do find themselves arrested and charged with offenses related to their trafficking victimization. However, we are always mindful of the fact that using an affirmative defense puts the burden on the victim to prove they were coerced, threatened, or intimidated, and victims of sex trafficking, children especially, are particularly vulnerable and sensitive to re-visiting their trauma.

MDHTTF appreciates the efforts of HB 180 to address concerns raised from the 2019 Maryland Court of Appeals *In Re: S.K.* case. Further, we applaud the educational option in the bill, as awareness of new and potentially dangerous situations is critical to prevention. MDHTTF believes HB 180 is one of many steps that need to be taken to address and rectify the *In Re: S.K.* case, especially for second and subsequent offenders, and we look forward to being a part of the conversation moving forward.

About MDHTTF: Formed in 2007 by the U.S. Attorney’s Office, the Attorney General of Maryland, and the State’s Attorney for Baltimore City, MDHTTF serves as the lead investigative, prosecutorial, and victim services coordinating body for anti-human trafficking activity in the State of Maryland. MDHTTF has grown to include most law enforcement agencies in the State, all child-serving state agencies, the Federal Bureau of Investigations, Homeland Security Investigations, most local State’s Attorney’s Offices, and dozens of victim service agencies. MDHTTF is comprised of five committees – legislative, law enforcement, victim services, public awareness, and training. During this time, MDHTTF has grown a robust understanding of the issue of human trafficking in Maryland.